

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 13, 2010

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 David Manchester
 Mike Smith
 Attorney Thomas Bowes
 Town Clerk Linda Cross
ABSENT: Council Marcia Hudock

Supervisor Dean called the Special Town Board meeting to order at 3:07 p.m. The Town Board reviewed the 2011 proposed town budget.

Since there was no further business to come before the Town Board regarding the budget Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to temporarily suspend the Town Board meeting at 4:29 p.m. All in favor, except Councilperson Hudock was absent at this time, motion carried.

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 4:30 p.m.

PUBLIC HEARING: 4:33 p.m. Water District No. 2 Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2010, which allowed and considered public comments regarding the proposed Water District #2 Special Assessment.

IN FAVOR: None

OPPOSITION:

Ken Lorson, Lorson Enterprise, inquired the current rate compared to last years rate.
Supervisor Dean replied 2010 was \$18.69.

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Water District No. 2 Public Hearing at 4:34 p.m.

PUBLIC HEARING: 4:35 p.m. Water District #3 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2010, which allowed and considered public comments regarding the proposed Water District #3 Special Assessment.

IN FAVOR: None

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OPPOSITION:

Albert Patterson, 225 Leisure Lane, asked the following questions:

1. Is this a 1 year charge or how frequently is this special assessment?
2. When is it due?
3. What is the purpose?

Supervisor Dean replied:

1. The special assessment comes out on your tax bill in January; it's an annual charge to pay back the Bonds and the BAN's for water District #3 improvements.
2. In January, it will be a line item on your tax bill.
3. For Water District #3 there is 3 items:
 - Re-metering BAN – will be paid off in 2012
 - USDA Loan - money spent to update the systems infrastructure, a 40 year committee, will be paid off in 2020.
 - Sing Sing Road Loop BAN – 30-year debt, we are at year 8 now.

Eleanor Sullivan 483 Hickory Grove Road asked the following questions:

1. Reason for the re-metering?
2. Will the assessment decrease by 2012?
3. Is there another way to get Town information, besides the Star-Gazette?
4. Is Hickory Grove Apartments in District #3?

Supervisor Dean replied:

1. The re-metering was done in 1999 and the BAN will be paid off after the 2012 tax bill, it should then decrease
2. Our Town information is listed on our web-site.
3. To give her phone number to the Commissioner of DPW and he would get back to her on that question.

NOTE: Councilperson Hudock arrived at 4:44 p.m

COMMENTS:

Sally Treat, 26 Retirement Drive, asked the following questions:

1. Location of the boundaries for Water district 3?
2. Is Water District #3 residential only?

Supervisor Dean replied:

1. She did not have the water district map with her, and suggested that the maps are available in the Water Department, Monday – Friday, 8 a.m. – 4 p.m. and she was welcome to look at them.

Since there were no further comments, Supervisor Dean closed the Water District No. 3, Public Hearing at 4:48 p.m.

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PUBLIC HEARING: 4:49 p.m. Water District #4 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2010, which allowed and considered public comments regarding the proposed Water District #4 Special Assessment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Water District No. 4 Public Hearing at 4:50 p.m.

OLD BUSINESS

RESOLUTION NO.200-10
WATER DISTRICT #2 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 17, 2010, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #2 consists of 1049 units with a unit charge for 2011 Water District #2 Special Assessment of approximately \$18.06, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2010, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

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RESOLUTION NO.200-10, Water District #2 Special Assessment, continued

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO.201-10
WATER DISTRICT #3 SPECIAL ASSESSMENT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 17, 2010, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #3 consists of 477 units with a unit charge for 2011 Water District #3 Special Assessment of approximately \$118.96, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2010, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

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RESOLUTION NO.202-10
WATER DISTRICT #4 SPECIAL ASSESSMENT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 17, 2010, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units with a unit charge for 2011 Water District #4 Special Assessment of \$156.66, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2010, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

Since there was no further business to come before the Water Board, Councilperson Manchester made a motion, seconded by Councilperson Fairbrother to adjourn the Water Board meeting at 4:52 p.m. All in favor, motion carried.

SEWER BOARD

Supervisor Dean called the Sewer Board meeting to order at 4:52 p.m.

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Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 4, 2010, which allowed and considered public comments regarding the proposed Sewer District #1 Special Assessment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Ken Lorson, 100 Canal Street, asked if it will continue to be a tax bill or will they put it on the water bill to make it a smaller amount for the year. Supervisor Dean explained the rules and procedure required to charge to the annual and part of the tax bill.

Bern Lytle, 561 Maple Street, asked clarification on the debt service charge if it is a charge per unit. Supervisor Dean stated yes per unit.

Since there were no further comments, Supervisor Dean closed the Sewer District No. 1 Public Hearing at 4:58 p.m.

RESOLUTION NO.203-10
SEWER DISTRICT NO.1 SPECIAL ASSESSMENT APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS Sewer Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Sewer District # 1 and filed the same with the Town Clerk of the Town of Big Flats on September 17, 2010, and

WHEREAS the Sewer Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Sewer Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Sewer District # 1 consists of 37.5 units with a unit charge for 2011 Sewer District # 1 Special Assessment of approximately \$861.99, and

WHEREAS the Sewer Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 13, 2010, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to

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RESOLUTION NO.203-10, Sewer District No.1 Special Assessment continued

the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

Since there was no further business to come before the Sewer Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock to adjourn the Sewer Board meeting at 4:59 p.m. All in favor, motion carried

TOWN BOARD

Supervisor Dean reconvened the Town Board Meeting to order at 5:00 p.m.

CONCERNS OF THE PEOPLE – Eleanor Sullivan 483 Hickory Grove Road – felt if since they have new chairs for the court office, why they are asking for new ones just because they are uncomfortable. Supervisor Dean replied that if they are planning to buy new chairs they would investigate and do research before they purchase new chairs with grant money and the chairs they have now will be used by others.

REPORTS

Supervisor Dean stated the following reports for September 2010 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Agriculture & Market Monthly Report, SPCA Monthly Report, Supervisor's Fund Balance Report, Justice Court Monthly Report, Department of Planning Monthly Report, Department of Public Works Monthly Report, Assessor's Monthly Report, Community Center Monthly Report.

Supervisor Dean reported the following:

- Chemung County Highway shared service study will be released to the County Legislature for Monday October 25, 2010 at 7:00 p.m.
- A recommendation is needed for the Community Service Award
- The Kahler Road brush site is an ongoing problem as people continue to dump garbage at the brush site. Recently spray cans, caulking tubes, ducting, sand paper, ceramic tiles, windows and magazines with names on them were found. The State Police were contacted to investigate and they plan to monitor the site for both residents and non residents. Once leaf collection has ended the site will be closed.

NEW BUSINESS

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RESOLUTION NO.204-10

2010-2011 JUSTICE COURT ASSISTANCE PROGRAM APPLICATION APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS Honorable Robert Gush has identified a possible grant source for the acquisition of audio/PA systems, video surveillance, alarm systems, bookcases, lectern, shredder, label printer, chairs, equipment and supplies for the Town Justice Court through the Justice Court Assistance Program, and

WHEREAS the Town Board determines the acquisition of said equipment for the Town Justice Court is in the best interest of the Town and will assist said court in improving its operations and efficiency, and

WHEREAS the submission of the necessary grant application and the acquisition of equipment is a Type II Action for purposes of SEQRA as being routine agency administration, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Wood, Robert Gush, and the Town Supervisor to execute and submit a grant application to the Justice Court Assistance Program for the acquisition of Audio/PA Systems, Video Surveillance, alarm systems, bookcases, lectern, shredder, label printer, chairs, equipment and supplies on behalf of the Town to be utilized in the Town Justice Court,

FUTHER RESOLVED that if said grant is approved the items identified in the grant application are the sole items to be purchased from said funds.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean

NAYS: None

CORRESPONDENCE

Liquor License/TLC Central, LLC, Applebee's Neighborhood Grill & Bar. A letter was received from Jessica A. Morey, Legal Assistant of Skene Law Firm, P.C., dated September 17, 2010, regarding the renewal of Applebee's Liquor License.

Grant Writing/Grant & Essential Management Services. A letter was received from Jeremy Silverman, of G.E.M.S., dated September 23, 2010, offering to provide Grant & Essential Management Services.

Annual Report/Sheen Housing. A letter was received on September 23, 2010 from Sheen Housing Board of Directors & Staff regarding their annual report.

Program Updates /Time Warner Cable. A letter was received from Time Warner Cable, dated October 1, 2010, regarding their programming changes.

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Brownfield Cleanup Program/NYSDEC. A Fact Sheet was received from New York State Department of Environmental Conservation, regarding Schweizer Aircraft Corp Site, dated October 2010, certifying that the cleanup requirements have been achieved at the Brownfield Cleanup Site.

LEAD Agency – SEQRA Review/Chemung County Industrial Development Agency. A letter was received from CCIDA, dated October 4, 2010, regarding Agency SEQRA status, for the Sikorsky International Military Completions Center of Excellence.

Recommend Zoning Amendments for final review/Stephen Polzella, Director of Planning. A Planning Staff Report, dated October 6, 2010, was received from Stephen Polzella, Director of Planning, which identifies the recommended zoning amendments for final review by the Town Board.

EXECUTIVE SESSION: Supervisor Dean made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss pending litigation. All in favor, motion carried.

The Town Board entered into Executive Session at 5:22 p.m.

Supervisor Dean reconvened the Town Board meeting at 6:05 p.m.

RESOLUTION NO.205-10 SPECIAL TOWN BOARD WORKSHOP APPROVED

Resolution by: Hudock
Seconded by: Fairbrother

RESOLVE the Town Board sets a Special Town Board meeting for October 16, 2010, at 9:15 a.m. for the purpose of reviewing the proposed 2011 Budget.

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

RESOLUTION NO. 206-10 FURNITURE PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the furniture in the office of the Town Supervisor has deteriorated and the workstation from storage is not adequate for a daily work surface, and

WHEREAS a quote was received from Southern Tier Contract Incorporated, dated October 13, 2010, and

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RESOLUTION NO.206-10, Furniture Purchase continued

WHEREAS for environmental purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the purchase of furniture for the office of the Town Supervisor from Southern Tier Contract Incorporated, quotation dated October 13, 2010 at a cost of Four Thousand Five Hundred Twenty Three Dollars and Twenty Four Cents (\$4,523.24).

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Hudock, to adjourn the Town Board meeting at 6:11 p.m. All in favor, motion carried.

Date approved: _____

Linda Cross
Town Clerk